

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

LIFESCIENCE TECHNOLOGIES, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No.: 4:21-cv-1279-SEP
MERCY HEALTH, MERCY ACO	)	
CLINICAL SERVICES, INC., d/b/a	)	
MERCY VIRTUAL, LLC, and	)	
MYIA LABS, INC., d/b/a MYIA	)	
HEALTH,	)	
	)	
Defendants.	)	

**DEFENDANTS MERCY HEALTH AND MERCY ACO CLINICAL  
SERVICES, INC. D/B/A MERCY VIRTUAL’S MOTION TO DISMISS  
OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT**

Defendants Mercy ACO Clinical Services, Inc., d/b/a Mercy Virtual, and Mercy Health (collectively, “Mercy”) hereby move the Court to dismiss Counts 1-7<sup>1</sup> of Plaintiff LifeScience Technologies, LLC’s (“LST”) Complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. In the alternative, Mercy moves the Court pursuant to Rule 12(e) of the Federal Rules of Civil Procedure to require LST to provide an amended complaint containing the specificity required to permit Mercy to reasonably prepare a response. LST purports to assert claims for breach of contract, misappropriation of trade secrets, computer tampering, and various tort claims, all arising from the claim that Mercy and Myia Labs, Inc., allegedly misappropriated LST trade secrets through the ordinary use of the Mercy virtual care system—as it was intended

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<sup>1</sup> Count 8 is not alleged against Mercy. To the extent a response is required, Count 8 fails for the same deficiencies as Counts 1-7.

to be used—via ordinary user log-ins and viewing patient-related files and information (what LST characterizes as “accessing” LST’s m.Care platform). LST’s Complaint, however, fails to identify what alleged trade secrets were purportedly accessed, or how any alleged “secrets” were used, and ignores that the agreements between LST and Mercy expressly grant Mercy ownership of and the right to access/share numerous kinds of information readily accessible through the m.Care platform.

A memorandum in support of this Motion is filed herewith.

Dated: December 22, 2021

BRYAN CAVE LEIGHTON PAISNER LLP

By: /s/ David A. Roodman

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